

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUNIOR DOE, a minor, by JOHN DOE  
and JANE DOE, his parents and  
natural guardians, *et al.*

Plaintiffs,

vs.

THE SCHOOL DISTRICT OF THE  
CITY OF ALLENTOWN, *et al.*

Civil Action  
No. 2:06-CV-1926 (TMG)

FILED APR 14 2008

**STIPULATIONS AND ORDER FOR THE CONFIDENTIAL TREATMENT OF  
DISCOVERY DOCUMENTS AND DEPOSITIONS**

WHEREAS, the allegations in this case relate unavoidably to matters that may be protected under the Pennsylvania Juvenile Act, 42 Pa.CS § 6301 et seq.; and

WHEREAS, the discovery in this case will unavoidably involve the disclosure of confidential information pertaining to students which is protected under the Family Educational Rights Protection Act (FERPA) 20 U.S.C.A. § 1232g et seq.; and the Individuals with Disabilities Education Act (IDEA) 20 U.S.C.A. § 1400 et seq.; and

WHEREAS, it is reasonably anticipated that there will be significant interest from the media and public in the depositions and documents produced in the discovery phase of this case that poses the potential of disruption and prejudice; and

WHEREAS, in order to secure the parties and witnesses against unnecessary annoyance, embarrassment, oppression or undue burden and expenses;

It is hereby **STIPULATED** and **AGREED** among the undersigned attorneys for the parties and by the parties hereto themselves and **ORDERED** by the Court as follows:

1. All discovery conducted in this case by any party or obtained from any

ENTERED: \_\_\_\_\_

4-14-08

CLERK OF COURT

third party shall be considered confidential. For purposes of this case order, confidential shall mean that information obtained through deposition, document discovery, subpoena, investigation, or the reports of consultants or experts shall be used in the good faith furtherance of this litigation and shall not be revealed, disclosed or discussed with third persons with the exception of bona fide consultants, physicians or expert witnesses. This confidential information shall not be limited to the subject content but also to the scheduling of depositions or persons or for documents or other discovery events.

2. Copies of those Juvenile Court and Office of Children and Youth records which the Court shall allow released, or those agreed upon by counsel, shall be copied by counsel for F.H. at the expense of the parties and shall be distributed one copy to each attorney. No further copies of the aforesaid records shall be made by any of the attorneys except as may be necessary to provide to consultants or physicians or expert witnesses. Contents of the records shall not be disclosed or discussed with any person who is not a party, attorney, consultant, physician or expert witness.

3. In the event that a party seeks documents or things from a non-party, a party seeking discovery shall provide written notice to every other party of the intent to serve the subpoena at least ten (10) days before the date of service.

4. Any confidential information obtained through deposition, document discovery, subpoena, investigation, or the reports of consultants or experts recited, referred to, or quoted in briefs, motions, or other documents filed of record shall redact all personally identifying information with regard to the juvenile Plaintiffs and their family members. In the event that it is necessary to file confidential documents, such documents shall be filed on paper with the clerk's office in accordance with Section III

Documents, Section F of the Clerks Office Procedure Trial Book. If necessary, counsel will develop or agree upon a key for the identification of confidential information excluded or redacted from documents.

5. The signing of the Stipulation and Order shall be binding upon counsel as well as parties. Any person to whom confidential matters are disclosed, shall be subject to this Stipulation and Order and shall take all reasonable precautions to prevent any use or disclosure other than as authorized herein.

6. Any filings or submissions that include or disclose confidential matters shall be under seal and shall remain under seal until further Order of Court. Counsel submitting such matters shall state "TO BE FILED UNDER SEAL pursuant to Order of \_\_\_\_\_ (this date)" next to the caption.

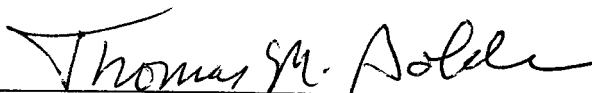
7. All deposition testimony in this case including the exhibits shall prominently display the legend "CONTAINS CONFIDENTIAL MATTERS – UNAUTHORIZED ACCESS TO OR USE OF THIS CONFIDENTIAL TRANSCRIPT IS A VIOLATION OF COURT ORDER".

8. The parties further stipulate that the use of the term "confidential" with this Stipulation shall not be construed as a stipulation by any party that discovery sought or obtained is in fact confidential pursuant to any statute, law or rule.

9. Attendance at deposition in this case shall be limited to parties, attorneys and their staff, witnesses, videographer, stenographer and experts. Violation of this Order shall be subject to sanctions by the Court.

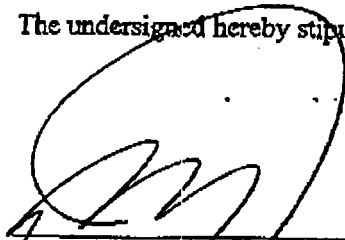
This Stipulation will be signed by the parties in counterparts.

**AND SO ORDERED:**

  
\_\_\_\_\_  
Thomas M. Golden, Judge

Stipulation and Order for the Confidential Treatment of Discovery Documents and  
Depositions Docket No. 06-1926

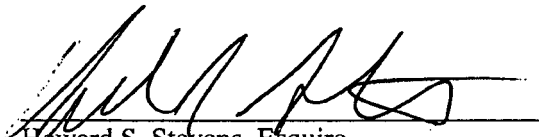
The undersigned hereby stipulates and agrees to the above Stipulation.

A handwritten signature in black ink, appearing to be "Blake William Rush", is written over a horizontal line.

Blake William Rush, Esquire  
James L. Pfeiffer, Esquire  
Charles Bruno, Esquire  
PFEIFFER, BRUNO MINOTTI & DEESCH  
44 North Second Street  
Easton, PA 18042  
Attorneys for Plaintiffs

Stipulation and Order for the Confidential Treatment of Discovery Documents and Depositions Docket No. 06-1926

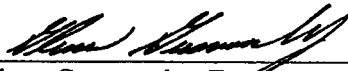
The undersigned hereby stipulates and agrees to the above Stipulation.

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Howard S. Stevens, Esquire  
STEVENS & JOHNSON  
740 Hamilton Street  
Allentown, PA 18101-2488  
Attorneys for Lehigh Valley Hospital,  
Kathleen Coughlin and Margaret Perry

Stipulation and Order for the Confidential Treatment of Discovery Documents and  
Depositions Docket No. 06-1926

The undersigned hereby stipulates and agrees to the above Stipulation.

  
\_\_\_\_\_  
Glenn Guanowsky, Esquire  
LEHIGH VALLEY HOSPITAL &  
HEALTH NETWORK  
234-236 N. 17<sup>th</sup> Street  
Allentown, PA 18104  
Attorney for Lehigh Valley Hospital  
Kathleen Coughlin and Margaret Perry

Stipulation and Order for the Confidential Treatment of Discovery Documents and Depositions Docket No. 06-1926

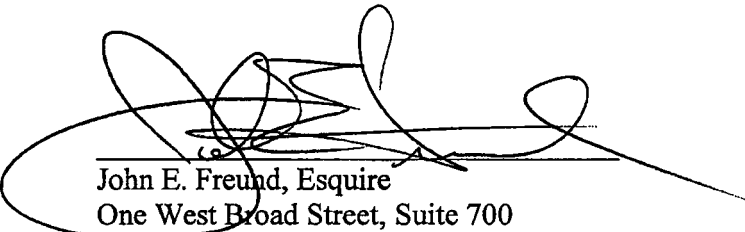
The undersigned hereby stipulates and agrees to the above Stipulation.

A handwritten signature in black ink, appearing to read "Marc S. Fisher", is written over a horizontal line.

Marc S. Fisher, Esquire  
WORTH LAW OFFICES  
515 Linden Avenue, 3<sup>rd</sup> Floor  
Allentown, PA 18101  
Attorney for F.H.

Stipulation and Order for the Confidential Treatment of Discovery Documents and Depositions Docket No. 06-1926

The undersigned hereby stipulates and agrees to the above Stipulation.



\_\_\_\_\_  
John E. Freund, Esquire  
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Bethlehem, PA 18018  
610.332.0390  
ID No. 25390

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Rita D. Perez, Ralph A. Daubert, Ralph S. Todd,  
Deborah Hartman, Dr. Lourdes Sanchez, Gerald Brown,  
Amy Enright, Lori Friebolin, Kim Ceccatti, Catherine Bucks,  
Jenna Heiland.